

## Department of Labor

## 2915.606

### Subpart 2915.4—Contract Pricing

#### 2915.405–70 Determining fair and reasonable price.

(a) Where the contractor insists on a price or demands a profit or fee that the contracting officer considers unreasonable and the contracting officer has taken all authorized actions to resolve the matter (see FAR 15.402), the contract action must be referred to the HCA for final resolution.

(b) Resolution under paragraph (a) of this section must be documented and signed by the HCA and included in the contract file.

### Subpart 2915.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

#### 2915.508 Discovery of mistakes.

(a) The HCA is authorized to make the administrative determinations in FAR 15.508 after consultation with the Office of the Solicitor as required by FAR 14.407–4. This authority may not be redelegated.

(b) The contracting officer must process a mistake and prepare a case file in accordance with the requirements of FAR 14.407–4(e)(2). The file must be submitted to the HCA for final determination.

### Subpart 2915.6—Unsolicited Proposals

#### 2915.604 Agency points of contact.

(a) HCAs shall be the preliminary contacts for unsolicited proposals. This responsibility may be delegated.

(b) HCAs must establish within their agencies procedures for handling unsolicited proposals to ensure that unsolicited proposals are controlled, evaluated, safeguarded and disposed of in accordance with FAR 15.6.

(c) The HCA must not forward for consideration an unsolicited proposal, if the proposal resembles an upcoming solicitation or a procurement identified in the current annual acquisition plan.

#### 2915.605 Content of unsolicited proposals.

In addition to the contents required by FAR 15.605, unsolicited proposals for research should contain a commitment by the offeror to include cost-sharing or should represent a significant cost savings to the Department of Labor.

#### 2915.606 Agency procedures.

When an unsolicited proposal is received by an official of the Department of Labor, the recipient of the proposal must forward it to the HCA. The HCA must address the requirements of FAR 15.604. The HCA must determine if there is an office(s) within the Department of Labor whose mission could be impacted by the proposal. If there is, the HCA must designate a recipient within that office as an “assignee”, and take the following action:

(a) Within seven (7) working days of receipt, the HCA must forward the proposal to the assignee along with instructions concerning the security, review and disposition of the document.

(1) Inform the offeror of this transfer in writing (preferably by facsimile or other electronic means).

(2) Within one (1) month of receipt of the unsolicited proposal by the assignee, the office receiving the proposal must determine the merit of the unsolicited proposal.

(i) If the office finds insufficient merit to consider the unsolicited proposal further, then a letter will be sent to inform the offeror that their proposal will not be considered further, and is not being retained.

(ii) If, after a comprehensive evaluation as defined by FAR 15.606–2, the office finds merit in the proposal, it must consult with a Department of Labor contracting officer for direction in complying with FAR 15.607. If not excluded by a condition of FAR 15.607(a), a requisition may be prepared in accordance with FAR 15.607(b). If the requirement exceeds the simplified acquisition threshold inclusive of options then a request must be prepared for the Procurement Review Board in accordance with Department of Labor procedures stated in Department of Labor Manual Series 2–830 (available by mail from the Division of Acquisition Management Services).

## **Pt. 2916**

(b) If within one (1) month of receipt (by the HCA) no assignee can be identified, the HCA must notify the offeror that the proposal is not being considered further.

### **PART 2916—CONTRACT TYPES**

Sec.

2916.000 Scope of part.

#### **Subpart 2916.5—Indefinite-Delivery Contracts**

2916.505 Ordering.

#### **Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts**

2916.603-2 Application.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **2916.000 Scope of part.**

This part describes types of contracts that may be used in acquisitions. It further prescribes policies and procedures for implementing contracts.

#### **Subpart 2916.5—Indefinite-Delivery Contracts**

##### **2916.505 Ordering.**

In accordance with FAR 16.505(b)(5), the Department of Labor Task Order and Delivery Order Ombudsman is the DOL Competition Advocate (see DOLAR part 2902).

#### **Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts**

Task orders against DOL contracts and orders against multi-agency or Governmentwide contracts for services above the micropurchase threshold must comply with the provisions of FAR 16.505.

##### **2916.603-2 Application.**

The HCA is authorized to extend the period for definitization of a letter contract required by FAR 16.603-2(c) in extreme cases where it is determined in writing that such action is in the best interest of the Government.

## **48 CFR Ch. 29 (10-1-05 Edition)**

### **PART 2917—SPECIAL CONTRACTING METHODS**

Sec.

2917.000 Scope of part.

#### **Subpart 2917.2—Options**

2917.202 Use of options.

2917.207 Exercising options.

#### **Subpart 2917.5—Interagency Acquisitions Under The Economy Act**

2917.500 Scope of subpart.

2917.501 Definitions.

2917.502 General.

2917.503 Determinations and findings requirements.

2917.504 Ordering procedures.

2917.504-70 Signature authority and internal procedures.

AUTHORITY: 5 U.S.C. 301; 31 U.S.C. 1535; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **2917.000 Scope of part.**

This part implements policies and procedures stated in FAR part 17.

#### **Subpart 2917.2—Options**

##### **2917.202 Use of options.**

The HCA may, in unusual circumstances, approve option quantities in excess of the 50 percent limit prescribed in FAR 17.203(g)(2). The documentation required by FAR 17.205(a) must include a written justification to fully support the need for such action.

##### **2917.207 Exercising options.**

The contracting officer must use a standardized determination and finding before exercising an option in accordance with FAR 17.207(f).

#### **Subpart 2917.5—Interagency Acquisitions Under The Economy Act**

##### **2917.500 Scope of subpart.**

This subpart establishes DOL policy and procedures to assure the appropriate and consistent use of interagency acquisitions under the Economy Act (31 U.S.C. 1535) as prescribed by FAR 17.5.